

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:05cv475

DAVID A. ASHBY,)
)
 Plaintiff,)
)
 vs.)
)
 ECKERD PHARMACY/BROOKS)
 PHARMACY, LLC, ANGELA)
 FOSTER, ADRIENNE KAY)
 SCRUGGS, HERBERT)
 BUCKLEY, VICTOR [DOE],)
)
 Defendants.)
 _____)

ORDER

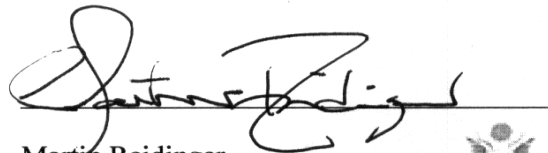
THIS MATTER is before the Court on reassignment.

Upon review of the complaint in this action, the Court notes that the Plaintiff's right-to-sue letter was mailed by the Equal Employment Opportunity Commission (EEOC) to the Plaintiff on July 14, 2005. However, the Plaintiff did not file his complaint until November 14, 2005, which is outside the ninety day period prescribed by statute and the right-to-sue letter. **42 U.S.C. §2000e-5(f)(1)**. In addition, the Plaintiff failed to sign the complaint. **Fed.R.Civ.P. 11(a)**. Moreover, it appears that the

individual defendants named in the complaint have been abandoned from the action.

IT IS, THEREFORE, ORDERED that on or before 15 days from entry of this Order, the parties shall respond to the following issues by written filing not to exceed 10 double-spaced pages: (1) whether the action must be dismissed for failure to sue within 90 days of receipt of the right-to-sue letter; (2) whether an unsigned complaint is sufficient to initiate the action; and (3) whether the individual defendants have been abandoned from the action.

Signed: October 5, 2007


Martin Reidinger
United States District Judge

